

THE BOARD OF COMMISSIONERS OF UTAH COUNTY
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday, March 8, 2016 - 9:00 AM

PRESENT: COMMISSIONER A. ELLERTSON, CHAIR (PRESENT ELECTRONICALLY)
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Bryan Thompson, Utah County Clerk Auditor
Lana Jensen, Utah County Personnel Director
David Shawcroft, Utah County Attorney
Richard Nielson, Utah County Public Works
Kim Jackson, Utah County Treasurer
Ralph Clegg, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Neil Peterson, Utah County Information Sys.
Andrea Allen Utah County Recorder's Office
Dean Miner, Utah County Extension

Michelle Araujo, Utah County Commission
Lisa K. Nielson, Utah County Commission
Bryan Voeles, Utah County Commission
Bryan C. Larsen, Utah County Health
Patty Cross, Utah County Health Promotions
Paul Jones, Utah County Attorney
Gary Ratcliff, Surveyor
Carrie Bennett, Health Promotion
Wayne Bure, Orem, Utah, Citizen
Tim Torkildson, Provo Poet
Troy Christenson, Provo Land Title
Linda Strickland, Commission Clerk

Commissioner Ellertson called the meeting to order at 9:00 AM and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Commissioner Greg Graves
PLEDGE OF ALLEGIANCE: Commissioner William Lee

CONSENT AGENDA

1. DECLARE SPECIFIED ITEMS AS SURPLUS TO BE SOLD VIA PUBLIC AUCTION OR DISPOSED OF AS JUNK
2. DECLARE SPECIFIED ITEMS AS SURPLUS TO BE DISPOSED OF AS JUNK
3. AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SCHEDULE A FOREST SERVICE COOPERATIVE AGREEMENT ROAD LIST WITH THE MANTI-LASAL NATIONAL FOREST
4. APPROVE OR DENY A REQUEST FROM THE UTAH COUNTY EMPLOYEES ASSOCIATION FOR AUTHORIZATION TO CONDUCT A BOOK SALE ON THURSDAY AND FRIDAY, MARCH 24, AND 25, 2016 IN ROOMS 1600 AND 1500 OF THE HEALTH AND JUSTICE BUILDING, PURSUANT TO THE REQUIREMENTS OF SECTION 6.1a OF THE UTAH COUNTIES FACILITIES USE POLICY
5. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT
6. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-65 OF THE UTAH COUNTY CODE

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7. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE. THERE ARE NO ASSETS AVAILABLE
8. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20354, DATED MARCH 2, 2016
9. RATIFICATION OF PAYROLL
10. RATIFICATION OF WARRANT REGISTER SUMMARY

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Ellertson recommended moving the following Regular Agenda Items to Consent:

1. APPROVE THE HEALTH DEPARTMENT'S ACTING PAY REQUEST FOR THE DIVISION DIRECTOR - WIC POSITION, TO BEGIN IMMEDIATELY AND CONTINUE UP TO SIX WEEKS OR UNTIL FILLED
3. AUTHORIZE A CHANGE TO THE AUDITOR TAX ADMINISTRATION STAFFING PLAN TO DELETE ONE (12) FULL-TIME CAREER SERVICE TAX ADMINISTRATION CLERK II POSITION (UPGRADE POSITION TAX ADMIN 004 FROM CLASS CODE 6247 TO CLASS CODE 6246) - Approved with stipulation
4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE EQUAL EMPLOYMENT OPPORTUNITY PLAN FOR UTAH COUNTY FOR 2016-2017
5. APPROVE AND RATIFY THE GROUP BUSINESS APPLICATION SUBMITTED TO TASC FOR THE ADMINISTRATION OF A HEALTH REIMBURSEMENT ARRANGEMENT FOR A SPECIFIC GROUP OF PUBLIC SAFETY RETIREES
6. APPROVE AND RATIFY THE GROUP BUSINESS PLAN APPLICATION SUBMITTED TO TASC FOR THE ADMINISTRATION OF A HEALTH REIMBURSEMENT ARRANGEMENT FOR A SPECIFIC GROUP OF PUBLIC SAFETY RETIREES - The Board recommended this matter be stricken
7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ADOPTION AGREEMENT FOR THE UTAH COUNTY 401(a) RETIREMENT PLAN
8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ADOPTION AGREEMENT FOR THE UTAH COUNTY 401 (k) RETIREMENT PLAN
9. ADOPT A RESOLUTION CONSENTING TO THE APPOINTMENT OF LINDA STRICKLAND AS A DEPUTY CLERK/AUDITOR
15. ENTER INTO A FACILITY USE AGREEMENT WITH THE SPRINGVILLE MUSEUM OF ART FOR THE APRIL 1, 2016 COMMISSIONERS' WORK DAY
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TIMPANOGOS ANIMAL HOSPITAL FOR VETERINARY CARE FOR POLICE SERVICE DOGS
19. APPROVE AND CERTIFY THE ENVIRONMENTAL REVIEW RECORD FOR THE ROBERT AND ERMA JEAN JEFFS HOUSING REHAB COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

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20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND THE UTAH COUNTY CLERK/AUDITOR TO SIGN A RESOLUTION CONSENTING TO THE STILLMAN ADDITION ANNEXATION INTO MAPLETON, UTAH
21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND THE UTAH COUNTY CLERK/AUDITOR TO SIGN THE FIRST AMENDMENT TO PURCHASE AGREEMENT , SPECIAL WARRANTY DEED AND QUIT-CLAIM DEED WITH PEG DEVELOPMENT, LLC AND HALLADAY PT INVESTORS, LLC

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 10 were declared, authorized, approved, adopted and abated.

Regular Agenda Item Nos. 1 and 3 through 8 were approved; No. 9 was adopted; and 15, 17, 19, 20, and 21 were approved.

RESOLUTION NOS. 2016-20, 2016-21 AND 2016-22

AGREEMENT NOS. 2016- 187, 2016-188, 2016-189, 2026-190, 2016-191, 2016-192, 2016-193, 2016-194, 2016-195, and 2016-196 and 2016-196A

REGULAR AGENDA

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO LAND TITLE FOR INTERNET ACCESS (Continued from the march 2, 2016 Commission Meeting)

Commissioner Ellertson said Provo Land Title has been utilizing office space in the county and accessing the internet without charge. Commissioner Graves asked if this is for the wireless and Paul Jones said the company is using both the internet and hard-wired router. In addition, they are also sending WIFI signal. The area appears to be fully utilized as their office space with personal items left after the company representative leaves. David Shawcroft explained there is a statutory provision that states if an individual or individuals are going to use a fixed space in a public building and if they leave personal items, they should have a lease with lease payments so the county isn't subsidizing a private business; however, if they are using the internet in a public building on a first come, first service basis, and if personal items are not left, a lease would not be required. Both Commissioners Lee and Graves agreed they had no issue with Provo Land Title using the space; however, they should have a lease if they have set up that office as personal space. Commissioner Graves asked if the county had a liability for Provo Land Title if personal items came up missing and Dave Shawcroft said the county would not have any liability. Troy Christenson with Provo Land Title stated he had used a designated space as his office for 26 years as approved by a previous County Recorder. He agreed he would remove his personal items and would not have a designated space. Jeff Smith said he had no problem with Provo Land Title using the space, that in fact, all of the Utah Counties allowed this. The question was also raised about whether Provo Land Title should have an e-mail address on the county web site. Dave Shawcroft indicated the use of the internet could be utilized by Provo Land Title with the discussed changes. He will further discuss the matter of the e-mail with Provo Land Title.

Commissioner Graves made the motion to approve an agreement with Provo Land Title for Internet Access with the stipulated changes. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

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10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GENERIC CREDIT INFORMATION LETTER FOR USE WITH VENDORS REQUESTING A SIGNED CREDIT APPLICATION FROM UTAH COUNTY. THIS WILL REPLACE THE NEED TO SIGN MULTIPLE INDIVIDUAL FORMS REQUESTED BY VENDORS

Commissioner Graves explained this Generic Credit Information Letter had been the rule in the past; however, it had fallen out of practice in recent years. Paul Jones agreed the practice should be reinstated. Bryan Thompson emphasized this was not a policy change and the letter will be updated as needed.

Commissioner Graves made the motion to approve a Generic Credit Information Letter for use with Vendors requesting a signed credit application from Utah County. The motion was seconded by Commissioner Lee carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CEDAR HILLS CITY TO PROVIDE AN INJURY PREVENTION MINI-GRANT TO FURNISH ITEMS WITH THE "WATER SAFETY" SLOGAN TO SUPPORT COMMUNITY DROWNING PREVENTION EFFORTS

Commissioner Lee asked if this \$1,000 mini-grant is part of the grant from the state which requires the county to distribute mini-grants. Eric Edwards agree this is the case. He said they have many more requests than they have grant funds.

Commissioner Graves made the motion to approve an agreement with Cedar Hills City to provide an Injury Prevention Mini-Grant. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-198

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE LEHI CITY POLICE DEPARTMENT TO PROVIDE AN INJURY PREVENTION MINI-GRANT TO FURNISH UP TO 50 BICYCLE HELMETS FOR CHILD SAFETY BASED PROGRAMS SUCH AS BICYCLE AND HELMET USAGE FAIR AND BICYCLE SAFETY RODEO EVENTS

Commissioner Graves made the motion to approve an agreement with the Lehi City Police Department to provide an injury prevention mini-grant to furnish up to 50 bicycle helmets for child safety based programs. The motion was seconded by Commissioner Lee and carried with the following vote:

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AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-199

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE MAPLETON CITY POLICE DEPARTMENT TO PROVIDE AN INJURY PREVENTION MINI-GRANT TO FURNISH UP TO 60 BICYCLE HELMETS. THEY WILL EDUCATE STUDENTS ON BIKE HELMET SAFETY THROUGH ASSEMBLIES, CLASS DISCUSSIONS AND BIKE SAFETY EVENTS

Commissioner Graves made the motion to approve an agreement with Mapleton City Police Department to provide an injury prevention mini-grant. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-200

- 14 APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH UTAH STATE UNIVERSITY EXTENSION REGARDING A STEM EMPLOYEE

Commissioner Ellertson asked if an amendment to the agreement had been made as discussed, and Dean Miner replied it had been.

Commissioner Lee made the motion to approve a Cooperative Agreement with Utah State University Extension as amended. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-201

16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2016 COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN

Dalene Higgins explained this agreement reduces the 2015 agreement by \$15,000 which will be brought back in the 2016 Agreement.

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Commissioner Graves made the motion to approve the 2016 Cooperative Law Enforcement Annual Operating Plan. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-201A

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 3 TO AGREEMENT NO. 2016-11 WITH VANCON, INC., FOR THE CONSTRUCTION OF TWO BRIDGES

Richard Nielson explained the original bids were made with the assumption there would be enough natural fill at both sites. However, it has been determined the fill at both locations is not suitable and additional fill is required. The bid for the first bridge was for 250 cubic yards of fill; however they have now determined 620 cubic yards would be required. On the second bridge the assumption was there would be 400 cubic yards of natural fill. Again the fill at the location was not suitable and additional fill is required at that bridge site as well. Vancon, Inc., will remove the unsuitable fill from both sites.

Commissioner Graves made the motion to approve Change Order No. 3 to Agreement No. 2016-11 with Vancon, Inc. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-205

22. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

Commissioner Graves made the motion to set a date, time, and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals on March 8, 2016 at this location. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

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23. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

Commissioner Graves made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation on March 8, 2016 at this location. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

24. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION ITEMS)

Commissioner Graves made the motion to strike Regular Agenda Item No. 24 to set a Date, Time and Location for a closed meeting for a strategy session to discuss the purchase, exchange or lease of real property, previously noticed for sale. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

25. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, PREVIOUSLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION ITEMS)

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property, water rights, or water shares, previously noticed for sale on March 8, 2016 at this location. The motion was seconded by Commissioner Lee and carried with the following vote:

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AYE: Larry A. Ellertson

William C. Lee

Greg Graves

NAY: None

WORK SESSION

No Work Session Items were submitted

PUBLIC COMMENTS

There being no further business nor public comments, the meeting adjourned at 9:35 AM. The minutes of the March 8, 2016 meeting were approved as transcribed.

ATTEST:

LARRY A. ELLERTSON, COMMISSION CHAIR

BRYAN E. THOMPSON, UTAH COUNTY CLERK/AUDITOR

Copies available on the Utah County website at www.utahcountygov

Recorded and transcribed by Linda Strickland, Clerk/auditor Administrative Assistant